

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena Headquarters - 1420 East 6th Avenue
Helena, MT 59620

AUGUST 4, 2005

Commission Members Present: Steve Doherty, Chairman; John Brenden; Shane Colton; Victor Workman.

Fish, Wildlife & Parks Staff Present: Larry Peterman, FWP Chief of Field Operations and FWP Staff

Guests: See August 4, 2005 Commission file folder.

Topics of Discussion:

- 1. Opening - Pledge of Allegiance**
 - 2. Approval of July 7, 2005 Commission Minutes**
 - 3. Approval of Commission Expenses through July 31, 2005**
 - 4. Recognition Award to Paul Valle for 20 years of Service to FWP**
 - 5. Recognition of Don Childress' Attainment of the Phillip Schneider Lifetime Achievement Award**
 - 6. 2006 Fishing Regulations – Tentative**
 - 7. Shields River FAS Acquisition – Endorsement**
 - 8. No-Wake Zone on Stuart Mill Bay on Georgetown lake – Tentative**
 - 9. Fort Benton Agriculture Center and Museum Disposal – Endorsement**
 - 10. Travelers Rest State Park Acquisition – Kuhlberg Property – Final**
 - 11. 2005 Antelope Quotas – Final**
 - 12. 2005 Furbearer Quotas – Final**
 - 13. Early Season Migratory Bird Regulations – Final**
 - 14. Select Organizations for Auction of Licenses – Final**
 - 15. 2005 Late Season Waterfowl Seasons / Closures – Tentative**
 - 16. Ninepipe WMA Land Acquisition–Hope Stockstad Property-Endorsement**
 - 17. Public Opportunity to Address Issues Not Discussed at this Meeting**
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- 1. Opening - Pledge of Allegiance.** Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.
 - 2. Approval of July 7, 2005 Commission Minutes.**
Action: Colton moved and Workman seconded the motion to approve the minutes of the July 7, 2005 meeting. Motion carried.

3. Approval of Commission Expenses through July 31, 2005.

Action: Workman moved and Colton seconded the motion to approve the Commission expenses as presented. Motion carried.

4. Recognition Award to Paul Valle for 20 years of Service to FWP. On behalf of Fish, Wildlife & Parks (FWP), **Larry Peterman, FWP Chief of Field Operations**, expressed appreciation to Paul Valle for his hard work and dedication to the Department over the last 20 years. Peterman acknowledged Valle for accomplishments achieved, and commended him on the respect he has fostered through his professionalism, his team approach, and his demonstrated tact. Peterman presented Valle with a beautiful Big Sky Carvers mounted trout plaque.

5. Recognition of Don Childress' Attainment of the Phillip Schneider Lifetime Achievement Award. **Larry Peterman, FWP Chief of Field Operations**, explained that the Western Association of Fish & Wildlife Agencies had honored Don Childress, FWP Wildlife Division Administrator, with the prestigious Phillips Schneider Lifetime Achievement Award, in recognition of his more than 30 years of work with Montana Fish, Wildlife & Parks. Beginning in 1972, Childress embraced many facets of wildlife management throughout his career. Prior to his present position as the Wildlife Division Administrator, Childress worked as wildlife biologist, as wildlife coordinator, and as Assistant Administrator of the Wildlife Division. Childress has enjoyed many accomplishments in his career, and has developed great rapport with many agencies and sportsmen's groups. He conducts himself with above-reproach integrity that sets an example for others to follow. Congratulations were extended to Childress from the Department and the Commission.

6. 2006 Fishing Regulations – Tentative. **Karen Zackheim, FWP Fisheries Division Management Bureau Chief**, explained that major fishing regulation changes are addressed every four years. The longer timeframe allows the public time to become familiar with regulations rather than be confused by drastic changes annually. The proposed changes for 2006 are based on corrections and clarifications, with the exception of the two-line allowance on Lake Koocanusa. The regulations will be addressed in 2008 with a much larger package of changes.

The proposed changes were posted on the Website, and the public was notified of the proposals with the opportunity to provide comments. Only one comment was received, and that was from Tim Mulligan, who asked that the Jefferson River closure read clearer to indicate there will be permanent closures at the mouths of Hells Canyon Creek and Willow Springs Creek.

Brenden asked why two lines are allowed in Lake Koocanusa. Zackheim replied that last year the Commission directed FWP to allow two lines, however that directive was deferred until the 2006 regulations to allow the culmination of a two-year USFWS authorized bull trout study. FWP is not allowed to permanently change the regulations under the research guidelines. Anglers maintain that two lines allow them to fish for two species at the same time - therefore the request for two-line fishing.

Action: Workman moved and Colton seconded the motion to adopt the 2006 Fishing Regulations as recommended by the Department. Motion carried

7. Shields River FAS Acquisition – Foster Property – Endorsement. Bruce Rich, Region 3 Fisheries Manager, explained that a Park County landowner approached FWP offering to donate 23.6-acres of land along the Shields River, approximately six miles south of Clyde Park, for development into a fishing access site. The Shields River, a tributary to the Yellowstone River, maintains several species of fish, however there are no access sites other than at road crossings or bridges. Rich said that initially this project would be a walk-in site where folks would access the river on foot for bank and/or wade angling, or they could carry in small watercraft by hand. Colton stated that this is an exceptional opportunity on a river than has such limited access.

Once the Department receives Commission endorsement to acquire this property, an Environmental Assessment (EA) will be conducted, and public comments will be solicited. Following the EA process, a Decision Notice will be issued, and if the Department's recommendation is to accept the donation, the proposal will then be brought back before the Commission for final approval.

Action: Colton moved and Workman seconded the motion to approve that the Department initiate the process to accept the donation of property along the Shields River with the understanding that if the Department decides to proceed with the actual acquisition, final approval will be requested at a Commission meeting later this year.

Discussion: Brenden inquired about the appraisal process on donated properties. Rich said in the case of donations, the Department is not involved in the appraisal process, as the value of the land is not a point of particular concern. Hugh Zackheim, FWP Land Agent, stated that the IRS requires the donor of a land gift to provide land value, but the recipient is not involved in that. It is the donor's responsibility to obtain an appraisal to satisfy the IRS. If FWP is provided with the information, it would be documented in the files, but it is not required. Brenden is afraid that if this land is appraised at a high value, the Department will have to pay higher prices for comparable sites. Workman stated that the positives outweigh the negatives.

Action on Motion: Motion carried. Three in favor – one opposed (Brenden).

8. No-Wake Zone on Stuart Mill Bay on Georgetown lake – Tentative. Jim Kropp, FWP Enforcement Division Administrator, stated that four sportsmen's groups petitioned FWP to create a no-wake zone on Stuart Mill Bay to address safety concerns. This particular area covers approximately 78 surface acres, which is only 2.7 percent of the lake. Kropp said Montana already has numerous no-wake zones located throughout the state.

Jeff Darrah, FWP Region 2 Warden Captain, stated that he is very familiar with Georgetown Lake, which is becoming heavily utilized. Stuart Mill Bay is very shallow, the deepest water being approximately five feet deep, and is great for fly-fishing. Sportsmen fear the construction of two boat ramps and a carry-in area will create safety issues and social conflict situations. Additionally, there are resource concerns because the area serves as habitat to cow moose and their calves, and to waterfowl.

A survey was developed and mailed to 621 Georgetown Lake homeowners – 373 responses were returned, of which 85 percent were in support of a no-wake zone. The balance of the comments were not negative, but merely asked how will the no-wake rule would be enforced. Darrah said the no-wake zone would be marked with buoys, and the Lake is patrolled by Deer Lodge and Phillipsburg game wardens.

Action: Workman moved and Colton seconded the motion to approve the tentative rule for a no-wake zone on Stuart Mill Bay on Georgetown Lake, and begin a 30-day public comment period for future consideration by the commission.

In reply to Brenden's inquiry about setting a speed limit in lieu of a no-wake zone, Darrah said no-wake zones are easier to enforce due to the visual aspects. Kropp said no-wake zones are safety regulations, and are consistent throughout Montana.

Action on Motion: Motion carried. Three approved – one opposed (Brenden).

9. Fort Benton Agriculture Center and Museum Disposal – Endorsement. Doug Monger, FWP Parks Division Administrator, explained that in 1985, the legislature passed a statute with an appropriation for \$250,000 for FWP to acquire 3.69 acres and a vacant industrial building in Fort Benton for the Montana Agriculture Center and Museum of the Northern Great Plains. The property was purchased and developed into a museum and heritage center. It has been leased to the City of Fort Benton or the River and Plains Society, a private non-profit organization, for the last twenty years. The 2005 legislature passed HB564, which authorized FWP to sell the property to a qualified local government entity at a less than fair market value if it remains an agricultural center. The legislation specified that the state will reclaim ownership of the property if it ceases to be used as an agricultural center and museum. The State feels that by selling the property, its management will be streamlined.

Action: Brenden moved and Workman seconded the motion to endorse the proposal to dispose of the FWP property in Fort Benton, known as the Fort Benton Agriculture Center and Museum, to the City of Fort Benton per the provisions of HB564. tentatively as in cover sheet. Motion carried.

10. Travelers Rest State Park Acquisition – Kuhlberg Property – Final. Doug Monger, FWP Parks Division Administrator, explained that in 2001, FWP accepted a 15-acre donation of land near Lolo, which became Travelers Rest State Park. Travelers Rest State Park was so named due to its significance to the Lewis & Clark expedition when the Corps of Discovery used this area as their campsite in 1805 and 1806. The initial 15 acres did not encompass all of the historical properties surrounding it, however FWP has acquired additional parcels since the origin of the Park.

The 4.5-acre Kuhlberg parcel, owned by the Travelers Rest Preservation and Historical Association (TRPHA), is located at the entrance to the Park. The appraised value is \$310,000, of which FWP would use \$155,000 of LWCF funds, and TRPHA would donate the other half as match for the federal funds. This parcel would become part of the base property. The matching \$155,000 would be used to construct a pedestrian bridge across Lolo Creek to connect the northern and southern portions of the Park. Monger added that there is a minor property line adjustment that needs addressed as well. When the land was surveyed, it was discovered that portions of the entrance road and boundary fence are on neighboring property. FWP is hopeful that the landowner will be willing to negotiate the boundary adjustment.

Action: Colton moved and Workman seconded the motion to approve the acquisition of the approximately 4.5-acre Kuhlberg property near the entrance to the Travelers Rest visitor's center at a cost of \$155,000, and to grant authority to the Department to resolve the minor property line adjustment with the private landowner at the east entrance road to the Travelers Rest visitor's center. Motion carried.

11. 2005 Antelope Quotas – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, and Gary Hammond, FWP Management Bureau Chief, presented the Antelope recommendations. Gary said finished surveying a week ago.

Regions 2, 6, and 7 – Antelope

No changes to the tentatives

Action: Workman moved and Colton seconded the motion to approve the Regions 2, 6, and 7 Antelope quotas as recommended by the Department. Motion carried.

Region 3 – Antelope

Nine changes to the tentatives (HDs 320-00, 320-10, 321-00, 321-10, 330-10, 338-00, 380-00, 380-10, 390-00).

Action: Colton moved and Workman seconded the motion to approve the Region 3 Antelope quotas as recommended by the Department.. Motion carried.

Region 4 – Antelope

Thirteen changes to the tentatives (HDs 420-00, 420-10, 450-00, 450-10, 471-10, 480-00, 480-10, 481-00, 481-10, 490-00, 490-10, 491-00, 491-10).

Action: Colton moved and Workman seconded the motion to approve the Region 4 Antelope quotas as recommended by the Department. Motion carried.

Region 5 – Antelope

Drought conditions have persisted in this area, therefore the reductions are recommended. Ray Mule', FWP Region 5 Wildlife Manager, said that while populations have held up fairly well in spite of the drought conditions, numbers are below objective and quota reductions will help in bringing them back.

Six changes to the tentatives (HDs 510-00, 560-00, 570-00, 571-00 – Reductions in quotas as well as the stipulation to “not offer successful either-sex license holders the opportunity to purchase *two* doe/fawn licenses”, HD550-00 - Reductions in quotas as well as the stipulation to “not offer successful either-sex license holders the opportunity to purchase *one* doe/fawn licenses”, and 590-00 – Reduce quota from 800 to 700).

Action: Colton moved and Workman seconded the motion to approve the Region 5 Antelope quotas as recommended by the Department. Motion carried.

*Action: Colton moved and Brenden seconded the motion that successful Region 5 Antelope permit recipients **will not** receive the opportunity to receive extra or additional doe/fawn permits. Motion carried.*

12. 2005 Furbearer Quotas – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, and Gary Hammond, FWP Management Bureau Chief, presented the Furbearer recommendations.

BEAVER, BOBCAT, OTTER, FISHER, WOLVERINE

No changes to the tentatives.

Action: Workman moved and Brenden seconded the motion to approve the 2005 Furbearer quotas as recommended by the Department. Motion carried.

13. Early Season Migratory Bird Regulations – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, and Gary Hammond, FWP Management Bureau Chief, presented the Early Season Migratory Bird Regulations.

MOURNING DOVE, WILSON’S SNIPE, and SANDHILL CRANE

No changes to the tentatives other than season dates.

Action: Brenden moved and Workman seconded the motion to approve the Early Season Migratory Bird Regulations as recommended by the Department. Motion carried.

14. Select Organizations for Auction of Licenses – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, said proposals were solicited from conservation organizations for the auction of Moose, Sheep, and Goat licenses, and for the auction / lottery of Deer and Elk licenses. The Department does not make recommendations; the Commission makes the decisions.

The Department received applications from:

The Foundation for North American Wild Sheep for the sheep, moose, deer and elk licenses

The Rocky Mountain Elk Foundation (RMEF) for all five species licenses

The Boone & Crockett Club for the moose license

The Mule Deer Foundation for the mule deer license

The RMEF was the only organization to apply for the goat license. Workman asked if they would accept only two licenses since they asked for all five, to which Herbert replied they would, and a spokesman from RMEF enthusiastically concurred.

Action: Brenden moved and Colton seconded the motion to approve the following organizations for the auction of Moose, Sheep, and Goat licenses, and the auction/lottery of the Deer and Elk licenses.

Rocky Mountain Elk Foundation – Elk and Goat licenses

Boone and Crockett – Moose license

Mule Deer Foundation – Mule Deer license

Foundation for North American Wild Sheep (FNAWS) – Sheep license

Motion carried.

15. 2005 Late Season Waterfowl Seasons / Closures – Tentative. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that the regulations are determined at the Flyway Council meetings, which are conducted annually during the third week in July. Once again, Montana will offer liberal regulations, which are based on the adaptive harvest management program for ducks. All four flyways have been in liberal regulations for a number of years, and will remain so again this year due to wet conditions in Canada.

The duck regulations consist of seasons within seasons. Herbert discussed the restrictions pertaining to the various duck species, and specific season regulations within the flyways. Next year, within the Central Flyway, some states will retain the season within a season package, while others will go to an aggregate bag that allows the hunter to make a choice of which duck they shoot. Montana will retain the season within a season package, and South Dakota is going to the aggregate bag (the hunter’s choice option).

Action: Brenden moved and Colton seconded the motion to approve the Lake Season Waterfowl Seasons / Closures as recommended by the Department. Motion carried.

Herbert stated that the Confederated Salish and Kootenai Tribes request Commission approval of their upland game bird regulations each year as a cooperative effort.

Action: Colton moved and Workman seconded the motion to adopt the CSKT upland game bird regulations as recommended. Motion carried.

16. Ninepipe WMA Land Acquisition–Hope Stockstad Property-Endorsement. Jim Williams, FWP Region 1 Wildlife Manager, said this 90-acre parcel of land is located in the Mission Valley. It is adjacent to and between two WMA boundaries, and consists of unique intermountain prairie potholes. Breeding pairs of Trumpeter Swans nest near this property, and the habitat provides significant waterfowl, pheasant, and wildlife cover. There are no buildings located on this property, and the area is conducive to hiking and nature studies. This acquisition would be extremely beneficial to the WMA.

Workman mentioned that LaMar Davis also has a parcel of property adjacent to the Stockstad property that recently became available for purchase.

Action: Workman moved and Colton seconded the motion to approve that FWP proceed with negotiations for the acquisition of the Hope Stockstad Property and the Lamar Davis property for inclusion in the Ninepipe WMA. Motion carried.

Pheasants Forever and Big Sky Upland Game Bird Association have pledged to contribute to the project, however no amounts were specified. Workman said Pheasants Forever had also called him and stated they would like to contribute a considerable amount, but no dollar amount was specified.

17. Public Opportunity to Address Issues Not Discussed at this Meeting. Jay Bodner, MT Stockgrowers Association, expressed his frustration and concern regarding verbiage relative to unsustainable grazing contained within the *draft* Comprehensive Fish & Wildlife Conservation Strategy that was recently published for public comment. He will submit written comments, and he requested that the comment period be extended (which he will also request in writing).

Peterman stated that the Comprehensive Strategy is a requirement for receiving Statewide Grant Funding. Each state has to compile a fish and wildlife strategy using information gathered over the prior two years. The Strategy is currently undergoing internal and external review, which has to be finalized by October 1. The Strategy was presented for public comment the first part of July, with August 15 being the deadline. Comments will be taken into account in the final version of the Strategy.

Brenden stated that he takes exception to the Strategy as he feels it singles out ranchers as being responsible for the degradation of the environment.

Doherty inquired if the comment period could be extended for one or two weeks, to which Childress replied that although deadlines would need to be examined, he felt a short extension could be accommodated.

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Workman asked FWP to check into extending the general season for National Guardsmen who are returning from Iraq two weeks after the season closes. Childress said he has already discussed the issue with the FWP Legal Unit, and it was determined that the Commission is not authorized to make that type of decision, that it is a legislative issue.

*Action: Workman moved that FWP staff prepare a legislative recommendation.*

*Discussion:* Doherty said the language must contain a cut-off date (i.e. limit it to 2-weeks or 3-weeks etc. after returning from active duty). Options must be identified, perhaps a late season hunt in Gardiner.

*Action on Motion: No second to the motion. Motion failed.*

Peterman said the normal process is to put together a proposal that is then taken to the Governor's office for approval prior to any action.

*Action: Colton moved and Workman seconded the motion to adjourn. Motion carried.*

Meeting adjourned at 10:30 a.m.